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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,725	12/13/2006	Philippe Saulnier	026032-4981	7152
23428 7590 07/20/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
CHANG, VICTOR S				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
07/20/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**NOTE:**

Applicant argues at Remarks page 2:

“neither Cobbledick nor McGregor teaches or suggests a protective layer containing polyvinyl acetate that can be applied in liquid form and cured.”

However, Cobbledick teaches that the skin (protective layer) can be formed by spraying or coating with a suitable film forming composition on the foam, or by covering the interior surface of a mold prior to forming the polyurethane foam [col. 2, ll. 2-15]. One of ordinary skill in the art would instantly envisage that the skin is applied in the liquid form and cured. Further, applicant is reminded that since the process limitation has not been shown on the record to produce a patentably distinct article, the formed articles are rendered *prima facie* obvious, and this limitation at the present time has not been given patentable weight.

Applicant argues at pages 3-4:

“At best, McGregor discloses that “vinyl esters of carboxylic acids, e.g., vinyl acetate” can be used as the impervious film... Vinyl acetate is a monomer while polyvinyl acetate is produced by the polymerization of the vinyl acetate monomer. (See the definition of polyvinyl acetate from the website of a plastic industry trade association (SPI) in Appendix A.) Polyvinyl acetate is prepared by treating the monomer vinyl acetate with peroxide catalysts.”

However, McGregor expressly teaches that “Any suitable film can be used as the impervious layer such as, for example, nonporous polyurethane or those prepared from ... vinyl acetate ...”

Applicant appears to be arguing that McGregor teaches a film of vinyl acetate monomer rather than a film prepared (i.e., polymerized) from vinyl acetate, and ignores that it is unseen that vinyl acetate monomer is a liquid which is incapable to form an integral protective layer. The totality

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of McGregor's teaching clearly teaches the use of a polyvinyl acetate film. Applicant's argument ignores the skill of an ordinary artisan.

Applicant's arguments at pages 5-6 relate to the same issues set forth above, and are unpersuasive as well.